

REMARKS

Status of the Claims

Pending claims

Claims 1, 27, 31, 34, 38 to 42, 45, 48, 50, 52, 54, 56, 57, 59, 60, 91, 92, 95, 96, 98, 100, 102 to 104, 106, 108 to 112, 126, 131, 141, 146, 162 to 164, 173, 175 to 178, 180, 181, 187, 189, 197, 199 to 206, 209 to 211, 213, 221, and 222, are pending.

Claims canceled and added

In the instant amendment, claims 38, 92, 199, and 209 are canceled, without prejudice or disclaimer. Claims 223 and 224 are newly added. Accordingly, after entry of this amendment Claims: 1, 27, 31, 34, 39 to 42, 45, 48, 50, 52, 54, 56, 57, 59, 60, 91, 95, 96, 98, 100, 102 to 104, 106, 108 to 112, 126, 131, 141, 146, 162 to 164, 173, 175 to 178, 180, 181, 187, 189, 197, 200 to 206, 210 to 211, 213, 221 and 224, will be pending.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the amended claims. Accordingly, Applicants respectfully submit that no new matter is introduced by the instant amendment.

Specification Objection

The instant amendment to the specification removes embedded hyperlink and or other form of browser-executable code. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

Claim Objections

Claim 98 is objected to for comprising non-elected subject matter and for depending on non-elected subject matter. The instant amendment addresses this issue.

Claim 38 is objected to for depending on non-elected claim 34. The instant amendment cancels Claim 38; therefore, the objection is moot.

Claim 60 is objected to for depending on non-elected claim 1. The instant amendment addresses this issue.

Claim 221 is objected to for depending on non-elected claim 1. The instant amendment addresses this issue.

Claim Rejection under 35 U.S.C. § 112, second paragraph

Claim 92 and 95 are rejected under 35 U.S.C. § 112, second paragraph for the reasons stated on page 4, of the OA. The instant amendment cancels these claims; therefore, the rejection is moot.

Claim Rejection under 35 U.S.C. § 112, first paragraph

Written Description

Claims: 38, 60, 91-92, 95-96, 98, 162, 175, 177, 180, 187, 200-202, and 221 are rejected under 35 U.S.C. § 112, first paragraph, written description requirement, and for the reasons stated on pages 4 to 6, of the OA.

The instant amendment addresses this issue. For example, the claims as amended are directed to a polypeptide at least 95% identical to SEQ ID NO.: 38, having glucanase activity; or the polypeptide having glucanase activity encoded by a polynucleotide having at least 95% sequence identity to SEQ ID NO.: 37. Moreover, the specification as filed provides examples of assays that can be used by a person of ordinary skill in the art to determine if a polypeptide is within the scope of the invention. Therefore, one skilled in the art would be able to determine from the application as filed that the Applicant was in possession of the claimed invention, and Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, written description requirement be withdrawn.

Enablement

Claims 38, 60, 91-92, 95-96, 98, 162, 175, 177, 180, 187, 200-202, and 221 are rejected under 35 U.S.C. § 112, first paragraph, enablement requirement and for the reasons stated on pages 7 to 10.

The instant amendment addresses this issue. As discussed above, the claims as amended and the examples provided in the specification as filed enable a person skilled in the art to identify a protein having the activity as claimed without unnecessary experimentation. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, enablement requirement, be withdrawn.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 38 and 60 are rejected under 35 U.S.C. § 102(e), as being anticipated by Andney, et. al. (U.S. Patent 7,393,673), and for the reasons stated on pages 11 to 13 of the OA.

The instant amendment addresses this issue. For example, the Office states Andney, et. al., teach DNA that would hybridize to any fragment or portion of SEQ ID NO.: 37 of this invention; however, Andney, et. al. does not teach a DNA that would hybridize to SEQ ID NO.: 37 and encode the polypeptide at least 95% identical to SEQ ID NO.: 38. Therefore, Andney, et. al., does not anticipate the invention as now claimed, and Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) be withdrawn.

CONCLUSION

Applicants respectfully aver that the all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-0661** referencing docket no. D1150-7N. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: November 11, 2010

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